

 NORTHEAST OHIO MEDICAL UNIVERSITY	Policy No: 3349-20-62
POLICY TITLE: Research Misconduct	EFFECTIVE DATE: April 3, 2014 (currently under revision)
RESPONSIBLE DEPARTMENT: Research and Sponsored Programs	All members of the University that are engaged in research activities

(A) PURPOSE

- (1) University values the honesty and integrity of our research community in accordance with our mission of conducting innovative research. University is dedicated to ensuring the credibility and trustworthiness of the research conducted by our research community, to protecting this community from unsubstantiated allegations of research misconduct, and to upholding University’s high standards for our research activity. These standards are adopted to ensure the credibility and trustworthiness of research conducted by member of University’s research community and to protect our research community from unsubstantiated allegations of research misconduct. Misconduct in research represents a breach of the policies of the University, the standards expected by our sponsors and entrusted to us by the public, and the expectations of scholarly communities for accuracy, validity, and integrity in research.

(B) SCOPE

- (1) This policy applies to faculty, students, other trainees, staff, and all other members of University’s research community who are conducting research and research related activities, regardless of funding source.

(C) DEFINITIONS

- (1) “Research Misconduct” under this policy refers to fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences of interpretations or judgments of data.

(D) BODY OF POLICY

- (1) The University has incorporate by reference the University Procedures for Sanctions of Faculty including Censure and Dismissal for Just Cause and will

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enforce those procedures, as restated below, in any investigation where research misconduct has been alleged against any member of the University community.

(2) Upon receipt of a complaint of research misconduct, the Office of the General Counsel will initiate a Formal Proceeding to investigate the complaint, as set forth below:

- (a) Preliminary Inquiry
 - (i) Allegation(s) of scientific misconduct or allegation(s) of conduct constituting Just Cause that may result in a sanction beyond a reprimand must be submitted to the Dean in writing as soon as possible. Upon such notification, the Dean shall provide written notice to the President of the University and the accused of the charges and a summary of the supporting evidence or investigative reports, if any, no later than five (5) business days after the Dean’s receipt of the allegation(s).
 - (ii) No later than five (5) business days from the date the President receives the written allegation, he/she shall appoint a three person Inquiry Committee from within the University to advise the Dean. The Inquiry Committee will consist of Associate Professors and Professors from outside the department of the accused. Committee members cannot be co-investigators of the accused.
 - (iii) The Inquiry Committee may consult experts without revealing the name of the accused.
 - (iv) The Inquiry Committee shall complete the preliminary inquiry, including preparation of a written report, no later than thirty (30) calendar days from the date of the Inquiry Committee appointment. The report shall summarize what evidence was

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reviewed, relevant interviews and include the conclusions and recommendations of the Inquiry Committee.

- (v) The accused shall be given a copy of the report and may submit a written response to the report within five (5) calendar days of receipt of the report.
- (vi) If the preliminary inquiry cannot be completed within thirty (30) calendar days from the date of appointment, the record shall include documentation of the reasons for delay and indicate when the inquiry will be completed. However, the preliminary inquiry must be concluded within forty-five (45) calendar days.
- (vii) The Inquiry Committee will make a finding on each charge and will document the reasons for that finding. The committee may recommend in writing to the Dean that:
 - (a) no further proceedings are necessary; or
 - (b) formal proceedings should be initiated.
- (viii) The Inquiry Committee report, signed by the Inquiry Committee members, will be submitted to the Dean, who will review it with the President.
- (ix) The Dean will provide written notice to the accused of the outcome of the inquiry and will consider the matter closed or request that the President convene a Review Committee within thirty (30) calendar days of the completion of the inquiry.
- (x) If the Inquiry Committee discovers any reason that the appropriate funding agency should be notified, the Committee Chair must immediately notify the President and the Dean.

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(b) Formal Proceedings following the Inquiry Committee

- (i) Notification of Charges. Within five (5) business days of the decision to convene a Review Committee, the Dean will notify the individual(s) involved, in writing, of the:
 - (a) charge(s);
 - (b) names of the Review Committee members;
 - (c) right to a hearing and the date, time and place of said hearing; and
 - (d) right to attend the hearing; to call witnesses; and to have an individual present designated as counsel who may advise the accused but not address the committee. The accused is responsible for his/her own legal expenses.
- (ii) Notification will be personally delivered or sent by certified mail, return receipt requested.
- (iii) Failure of the accused to attend or participate constitutes a waiver of the right to do so, and will not delay or impede the process as outlined herein.
- (iv) The Dean may suspend the accused from some or all of his/her duties for the duration of the review. Suspension during this period will be with full pay and benefits unless the law forbids.

(c) Notification of Funding Agencies

The President, or designee, will notify the appropriate funding agency if, at any stage of the inquiry or investigation, it becomes apparent that any of the following conditions exist:

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- (i) there is an immediate health hazard involved;
- (ii) there is an immediate need to protect Federal funds or equipment;
- (iii) there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- (iv) it is probable that the alleged incident will be reported publicly;
- (v) there is reasonable suspicion of possible criminal violation; if criminal activity is suspected, the University must inform the funding agency within 24 hours of obtaining that information; or
- (vi) disclosure of facts that may affect current or potential funding for the individual(s) under investigation or that may compromise the funding agency's ability to ensure appropriate use of Federal funds and otherwise protect public interest.

(d) Notification of Investigation

If a Review Committee is convened to consider allegations of scientific misconduct, the President or his/her designee will notify the appropriate funding agency, in writing, of the investigation on or before the date Formal Proceedings begin. Such notification shall include the name of the person(s) accused, the general nature of the allegations, and the application or grant number(s) involved.

(e) The Review Committee

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- (i) The President will submit to the Academic Council a slate of ten (10) nominees, faculty members from the ranks senior to Assistant Professor, for the Review Committee. From this list of nominees, the Academic Council shall appoint an ad hoc review committee consisting of five (5) members.
 - (ii) The committee shall elect its own Chair.
- (f) Duties of the Review Committee
- (i) The Review Committee shall conduct an investigation, which shall include examination of documentation, it deems necessary to carry out its responsibilities, in whatever format, including, but not limited to: relevant research data and proposals, publications, correspondence, memoranda, records of telephone calls, research notebooks and the Inquiry Committee's report.
 - (ii) The Review Committee will provide a receipt acknowledging possession of the materials to the Inquiry Committee. When requested by the accused, photocopies of written materials taken shall be provided to the accused. Other evidence will be made available for review under controlled conditions.
 - (iii) The Review Committee may request supplemental written material and seek the advice of content expert consultants.
 - (iv) The Committee must carry its investigation through to completion and pursue diligently all significant issues. If for any reason the investigation is terminated prior to its completion, the funding agency must be notified.
 - (v) Hearing Procedures

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(a) The Review Committee shall conduct hearing(s) that are closed to the public at which the Review Committee Chair shall:

(i) call witnesses who will present any relevant information and evidence (prior to the hearing, the accused will be provided with a list of known witnesses);

(ii) allow the accused to present any relevant information and evidence including necessary witnesses and physical evidence, and cross-examine witnesses;

(iii) allow for the Committee members to question the accused, witnesses and review evidence presented; and

(iv) cause a verbatim transcript to be kept.

(b) The accused and the Dean have the right to attend the hearing but not the Committee deliberations.

(c) The verbatim transcript of the hearing will be available for review by the Committee and the accused. A copy will be made available to the accused upon request.

(g) Deliberations by the Review Committee

(i) The Review Committee shall meet in executive session to consider all relevant information obtained during the investigation as outlined in Section 8 including evidence obtained at the hearing, if one was held, and any written response to the charge(s) by the accused. The Review Committee may invite content experts,

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scientific consultants, General Counsel, and appropriate support staff to attend the deliberations as necessary.

- (ii) Each of the charges will be considered separately. One of two findings is possible.
 - (a) the evidence does not support the allegation(s); or
 - (b) the evidence does support the allegation(s).
- (iii) The standard of proof on each of the charges will be the preponderance of evidence standard. The Review Committee will attempt to reach a consensus on each of the charges, and where consensus is not achieved, the decision will be made by majority vote, and an anonymous record of the vote will be kept.
- (iv) The Review Committee must maintain documentation to substantiate its findings.
- (v) The Review Committee shall take no more than ninety (90) calendar days from the date of appointment to complete the investigation, conduct the hearing, prepare a report of its findings, and report its findings and any recommendations to the President and the Dean. All Review Committee members shall sign the report.
- (vi) Within five (5) business days, the Dean or designee shall consider the Review Committee's report and determine what sanction, if any, is appropriate.
- (vii) The President and the accused will receive a copy of the Dean's decision.

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(viii) The decision of the Dean is final unless appealed as outlined herein.

(h) Extensions and Progress Reports

If the President determines at the end of the ninety (90) calendar days that the Review Committee cannot complete its work to allow a decision within a 120 calendar day period:

(i) The President must submit to the funding agency a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate of the date of completion.

(ii) If the extension is granted, the President must file periodic progress reports as requested by the funding agency.

(i) Final Report

The final report by the President to the funding agency, due within 120 calendar days from the day the investigation begins, must describe:

(i) the policies and procedures under which the investigation was conducted;

(ii) how and from whom information was obtained relevant to the investigation; and

(iii) a description of any sanctions applied by the University.

(j) Appeal Procedure

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- (i) If a sanction other than a reprimand is applied, a faculty member may appeal the decision(s) in writing to the President within ten (10) business days of receipt of the report from the Dean.
- (ii) In case of an appeal, the President may appoint a committee to assist him/her in considering the appeal.
- (iii) The President shall within 30 calendar days:
 - (a) consider all relevant reports;
 - (b) sustain, overturn or modify the decision of the Dean and so notify the accused and the Dean; and
 - (c) file the final report with the funding agency if appropriate.
- (iv) The decision of the President is final and non-appealable.
- (k) Suspension of Faculty
 - (i) Automatic Suspension

A faculty member will be automatically suspended by the Dean if the:

 - (a) faculty member's narcotics license has been revoked for inappropriate use;
 - (b) faculty member is convicted of or pleads guilty to a felony; or
 - (c) faculty member's license to practice has been permanently revoked.

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(ii) Discretionary Suspension

A faculty member may be suspended by the Dean if the:

- (a) faculty member's license to practice is suspended, revoked, limited, or if the faculty member is placed on probation by the state licensing board;
- (b) faculty member's hospital privileges, if applicable, to practice have been suspended, revoked, or he/she is placed on probation, with the exception of medical records deficiencies; or
- (c) faculty member has been accused of conduct that, if true, would constitute grounds for the suspension, revocation or limitation of the faculty member's license to practice and if in the Dean's judgment, there appears to be sufficient grounds to support such an accusation.

(iii) Suspensions Lasting Over a Year

If the suspension of a nontenure-track faculty member exceeds a year in length, the faculty member's appointment will be withdrawn.

(l) Suspension or Termination of a Non-Faculty Employee

- (i) Any employee that is found to have engaged in research misconduct is subject to suspension or termination as deemed appropriate by the Dean, or in the case of an appeal, the President.